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LEGAL EDUCATION IN THE SOCIAL STUDIES CURRICULUM:

A BRIEF TO THE MINISTRY OF EDUCATION

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BRIEF

TO THE

MINISTRY OF EDUCATION

AND

SOCIAL STUDIES REVISION MANAGEMENT COMMITTEE

BY

THE LEGAL SERVICES COMMISSION CURRICULUM REVISION COMMITTEE

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INTRODUCTION

A committee of representatives from the Schools Legal Education Project,[1] the Ministry of the Attorney-General, and members of the Social Studies teaching community (with the support of the B.C. Social Studies Teachers' Association) was formed in April, 1978 to develop this brief for submission to the Ministry of Education for the purpose of providing input to the revision of the Social Studies curriculum in British Columbia.

This initiative has its roots in Goal H of the Core Curriculum, which states the need for students "to develop knowledge and understanding of the rules, responsibilities, and rights of the individual in society." In particular, learning outcome H.11 refers to "those aspects of the legal system which affect them as citizens."[2]

The need for refinement in the present curriculum is affirmed in the 1975 Report of the Secondary Schools Social Studies Curriculum Review by the Ministry of Education. The B.C. Teachers' Federation also has supported the incorporation of legal education in British Columbia schools.

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[1] Legal Services Commission

[2] Guide to the Core Curriculum, Ministry of Education, Victoria, B.C., September, 1977, p. 22-23

Indeed, the working document of the B.C.T.F. Task Force on Authority and Responsibility lists the first responsibility of students "to become knowledgeable about their rights and responsibilities." Further evidence of the need for legal education was provided at the May, 1977, Canadian Teachers' Federation conference: Education and the Law, when it was established that "children can go through school quite unaware of the role of law, courts, and politics in society."

This brief, then, is responding both to directions and intentions which have been identified over the last few years, and to the current initiative of the Ministry of Education with respect to examining the Secondary Social Studies Curriculum with a view towards expansion and modification.

Incorporating legal education in B.C. schools will provide students with a basic understanding of the legal system which affects the lives of each of us. This requires a knowledge of the principles and concepts of law on which our society is based, a basic understanding of those aspects of the law which directly applies to juveniles, and a grasp of those areas of the law which will enable young people to function as responsible adults and informed citizens.

Social Studies is considered the most appropriate vehicle in which to incorporate legal education. Social Studies is the study of society, of which the law forms a major component. A basic knowledge of the law is fundamental to Canadian life and consequently to a basic education.

The teaching of legal education should ideally begin in elementary school, but definitely by Grade 8. The opportunity to learn about the law should not be restricted to students who complete Grade 12 or who are free to take a Law elective. The Legal Services Commission Curriculum Revision Committee therefore recommends that the teaching of law be considered by the Ministry of Education and the Social Studies Revision Management Committee for incorporation into the revised mandatory Secondary Social Studies Curriculum.[3]

[3] See Page 13 of Brief for supporting recommendations.

I. SOCIAL STUDIES AND LEGAL EDUCATION

To study society involves a study of the legal system

Social Studies is the study of society, and a major component of any society is its legal system. To adequately understand the history of a country, its development and present constitution, one must have some knowledge of their relationship to the laws of the land.

Canadian history, government, and rights of citizens have been influenced by the law

For example, the English system of common law greatly affected the character of the British North America Act, and influenced the structure of our government, the parliamentary system, and the development of the judiciary. Our rights as Canadian citizens are rooted in the Rule of Law, inherited from Britain. Concepts of justice, equality, freedom, rights and responsibilities of individuals, and other moral, ethical and religious concepts are interrelated with our legal system.

Our society is regulated by laws

Laws influence almost everything we do. Our behaviour towards other people, such as marriage, responsibilities to children, driving a motor vehicle, going to work, purchasing goods, voting, and paying taxes, is all regulated by law. The study of the activities of a society's citizens necessitates a study of that country's legal system.

The components of a Social Studies curriculum relate to the law

In fact, all components of a Social Studies curriculum have application to the study of law. One cannot analyze any society from a sociological, economic, social/geographical, historical, political, or anthropological perspective without making reference to the legal system of that society.

Current events involve legal issues

Legal issues are intertwined with issues of national and international importance -- "current events" in Social Studies. Almost every newspaper article relates, in some way, to legal issues.

Social Studies courses teach students to be informed citizens

Social Studies courses must not only prepare students to understand the society in which they live, but must also equip them with the knowledge and skills necessary to be informed and involved citizens. This necessitates a working knowledge of participatory democracy, the law-making process, and the interdependence of law and government.

A knowledge of the law is a requirement

Bora Laskin, Chief Justice of the Supreme Court of Canada, states:

> "I'm very much concerned about the lack of education in the legal process in our schools, up to and including university. It's very important to have a citizenry that is socially literate and social literacy to me involves some appreciation of the legal system. There isn't a single act that any government can do that does not have to find its source in the legal system. It's just as important that our people have some appreciation of law as they should of English or French literature or economics. I hope that our educational authorities will pay special attention to this." [1]

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[1] Macleans, February 21, 1977

The Core Curriculum advocates legal education

The Core Curriculum recognizes the need to prepare students to be responsible individuals in society. Students need "to develop knowledge and understanding of the rules, responsibilities, and rights of the individual in society."[2] This involves "those aspects of the legal system which affect them as citizens."[3] Indeed, it is only when the legal and political system is demystified for students that they will have the knowledge necessary to bring about changes in the system and to improve the quality of life in Canada.

Legal education demystifies the system

Legal education in Social Studies teaches students about their rights and responsibilities as juveniles

Social Studies courses should also equip students to understand how society and its legal system affect their lives now, even before they graduate. For example, the Public Schools Act regulates students' lives in school; Motor Vehicle legislation affects them on the road; the Criminal Code, the Juvenile Delinquents Act and the Liquor Control Act place restrictions on behaviour; and the Protection of Children Act and numerous other family acts legislate the rights of children and the responsibilities of adults to children. Consumer legislation affects buying and selling practices. A basic knowledge of the law as it applies to young people and adults is a practical necessity in our society. Ignorance of the law is no excuse.

A knowledge of the law is a practical necessity

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2 Goal H.11, Core Curriculum

3 Core Curriculum, p. 22-23

Only 25 per cent of B.C. school graduates have taken a law-related course

The latest statistics show, however, that only twenty-five per cent of all students who graduate from B.C. schools have taken a law-related course or even a law-related unit. Legal education needs to be incorporated into the required Social Studies curriculum. The school has a responsibility to provide all students with this element of a basic education. The school system should not attempt to produce "mini-lawyers" or "technicians", but rather must graduate people who are well equipped to interact responsibly in society and who understand the system under which they live.

The school system is enhanced by the study of law

There are other benefits to legal education -- educational benefits and societal benefits. The overall school system is enhanced by the study of law. "The study of law in schools is an ideal vehicle for re-examination of the institution itself, of greater understanding by the student of his role, and that of his teachers and parents, within the school, and of the various rights and obligations which accrue from being a member of this particular social grouping."[4]

Other school courses are enriched

Other courses are enriched and complemented. For example, a science course might be enriched by students who have some knowledge of environmental law; a knowledge of consumer law could bring an added dimension to a Home Economics course.

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[4] Philip C. Stenning, "Legal Education Beyond the Law School Walls: Teaching Law in Ontario's High Schools". The Law Society of Upper Canada Gazette, Vol. 7, No. 2 (June, 1973), p. 137-8.

Students' reasoning skills are sharpened

Students' reasoning skills are sharpened through legal education. Debates and mock trials, for example, require logic and clarity in the presentation of ideas and issues, and the skills thus developed can be utilized in other parts of the classroom and in life beyond the classroom. The development of moral and ethical values is encouraged in the teaching of law, since students participate in conflict resolution, problem-solving, decision-making, and role-taking.

Character is developed

Perception of the law becomes more realistic

Students are given the opportunity to view the law in a more realistic light. The law is no longer an experience based upon the viewing of Perry Mason, Starsky and Hutch, and Kojak. Nor is it based upon one or more confrontation experiences. Legal education can allow students to see the law as a positive, not merely a restrictive, force in society, while admitting that the system is not perfect. When legal resource personnel, such as the police, probation officers, lawyers, and judges, are involved in the educational process, students also gain a better understanding of the functions carried out by such people, and empathy often results on the part of both sides.

Empathy results towards legal personnel

Legal education may act as a deterrent to anti-social behaviour

Some legal educators are even of the opinion that the teaching of law acts as a deterrent to anti-social behaviour and related juvenile offences. While this has not been

statistically supported, the editors of an American publication entitled Law Related Education in America note: "Empirical evidence as well as common sense suggest that education which enables young people to understand and deal with the system lawfully will lead to a decline in apathy, anger and anti-social conduct." [5]

Legal education provides vocational information

Vocational information is also indirectly provided in a law course. Although this does not constitute a major rationale for legal education, it does open up career possibilities, both professional and technical, which otherwise might be overlooked.

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5 Stenning, p. 3

II. LAW SHOULD BE TAUGHT IN THE REQUIRED SOCIAL STUDIES CURRICULUM BEGINNING IN GRADE EIGHT

Legal education should begin at least by Grade 8

Ideally, legal education should be incorporated as part of a student's education from kindergarten to Grade 12. However, given the limits of the proposed curriculum revision, it is essential that legal education be incorporated into the Social Studies program at the earliest possible level, i.e. Grade 8. Our complex society is thrusting more and more responsibility upon the young person without providing him/her with the necessary tools to handle this responsibility.

Junior high students are becoming adults

Ignorance of the law is no excuse

Even at this age, the maxim "ignorance of the law is no excuse" applies. A young teenager needs to understand the law as it directly applies to him/her.

Legal education needs to be provided even to students who do not complete Grade 12

Not all junior secondary students go on to graduate from school. These students, as well as graduates, need to be made aware of the law and their rights and responsibilities.

Grade 8 students can understand legal concepts

Students at the Grade 8 level are able to grasp the concepts required in understanding the law. This is shown throughout the United States, where most school districts offer legal education from kindergarten through to graduation. Teachers in British Columbia who are offering junior secondary law electives or law units are also of the opinion that students at this age are quite capable of learning aspects of the law.

The Core Curriculum recommends law at junior secondary level

The Core Curriculum recommends that legal education be incorporated into the existing courses at the junior secondary school level.[6]

Law in junior high provides a background for senior law electives

Electives in law should also be offered at the senior secondary level, but just as the school system prepares students for other senior courses (History 12, Geography 12, Chemistry 11, French 11) by giving them a background at the junior level, so should students be given a foundation in law before asking them to choose Law 11. It is also impossible to cover all the basics of law in one senior elective course.

Legal education must be a continuous process throughout the secondary curriculum

As in any other subject area, legal education must be a continuous process throughout the student's school life. One year must build on the concepts learned in the previous year, adding those aspects of the law most applicable to the maturity of students in the particular grade level. Joel Henning offers an analogy highlighting the need for a continuous and consistent legal education program.[7] Henning asks educators to imagine a school in which no math is taught. The authorities, seeing the need, decide to hold a "Math Day" once a year, when distinguished mathematicians are invited to speak. When this proves inadequate as far as teaching the students math is concerned, it is decided to

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6 Core Curriculum, p. 22-23

7 Joel F. Henning, Staff Director, ABA Special Committee on Youth Education for Citizenship, "Law-Related Education: What Works and What Doesn't", Reflections on Law-Related Education, 1973, p. 9.

invite mathematicians into the classroom so that students will have an opportunity to ask questions, such as "What is 4 x 7?" However, merely providing the answers does not give satisfactory results, nor does the decision to hold an in-service training program for teachers the following year, so that teachers themselves can provide the answers. It is only when the students are required to work through problems themselves and on a continuous basis that they begin to acquire mathematical concepts. As with math, so with law, argues Henning. Law must be taught throughout the school system as math is, each year building on the concepts learned in the previous grade.

III. CONTENT OF THE LAW COMPONENT IN THE SECONDARY SOCIAL STUDIES CURRICULUM

Legal education must be relevant

As already stated, Legal curriculum must be relevant; it should prepare students to cope with the rights and responsibilities associated with being a juvenile, but should also assist them in preparing for the responsibilities of adult life. The law should not be taught as a static body of rules, but rather should emphasize concepts. Students should be taught how laws change, how individuals affect change, and how one may keep up-to-date on changes.

Concepts should by emphasized

It would not be appropriate, at this time, for the LSC Curriculum Revision Committee to offer detailed suggestions on legal content, but rather the intention is to provide a generalized outline. The Committee recommends that law be taught in Social Studies beginning, at the latest, by the Grade 8 level, that it be taught throughout the Social Studies curriculum from Grades 8 to 12, and that one of the secondary years provide a special emphasis on the study of law. The suggested grade level for a major law component is Grade 9. Experience has shown that, at this grade level, students are more mature and alert to the concepts, and are on the threshold of becoming adults in the eyes of the law.

Law should be taught throughout the required Social Studies curriculum

An emphasis in law should occur at the Grade 9 level

Concepts --throughout the Social Studies program

A. <u>Concepts must be reinforced throughout the grade levels.</u> This is the key to understanding the Canadian legal system.

" ... Consider the town you live in. It is familiar to you, but do you know the location of every home, the name of every street, the height of every building? Not at all. Nor do you need to. To know your own town you only need to know the general plan ... this is the key to understanding law. Just as all the city streets belong to certain areas and link up with a small number of major roads, so all our laws belong to certain areas of law and revolve around a number of basic ideas and principles. To know the law and be able to find our way in it, we need to concentrate upon these basic principles."[8]

Topics such as the following could be included:

1. The why and hows of law.
2. The structure of legal systems: court and government, history, function, procedure.
3. The principles which form a foundation for our society -- e.g. rule of law.
4. An overview of criminal and civil law.
5. Strengths, weaknesses, and dilemmas of our system.
6. How to effect change in our system.

Focus on juveniles and the law in junior grades

B. <u>At the junior secondary level, the focus should be on topics relevant to young people at that age</u>. Under the general heading of "Juveniles and the Law", the following topics could be discussed:

1. Child-parent legal relationship.
2. The child's legal relationship to public agencies such as school, police, Human Resources, ICBC, Motor Vehicle, and health care.
3. Juvenile and Family Court.
4. Criminal law as it affects youth under seventeen.
5. Where to go for further assistance or legal information.

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[8] Patrick Fitzgerald, <u>This Law of Ours</u>, Scarborough, Ont.: Prentice-Hall of Canada, Ltd., 1977, p. 3.

Focus on preparing students for adult responsibilities in senior grades

C. At the senior level, the content should relate more directly to adult life, and the rights and responsibilities thereof. For example:

1. Marriage and family law.
2. Landlord/tenant rights and responsibilities.
3. Employee/employer relations.
4. Consumer law.

Students cannot be taught all there is to know about every category of law, but must be provided with basic information which would enable them to understand the system and make appropriate choices.

RECOMMENDATIONS

RECOMMENDATION #1. That the teaching of law as presented in this brief be included as an integral part of the Social Studies program in British Columbia.

RECOMMENDATION #2. That legal education at the secondary level begin in Grade 8.

RECOMMENDATION #3. That legal education be taught throughout the Social Studies curriculum, building on the knowledge gained in the previous year.

RECOMMENDATION #4. That a concentration in legal education occur in one grade, preferably at the Grade 9 level.

RECOMMENDATION #5. That there continue to be senior law courses as electives, and that the Social Studies curriculum enhance and contribute to, not usurp or detract from, these senior courses.

RECOMMENDATION #6. That the Ministry of Education provide teachers with appropriate print and non-print materials, and that there be an updating service.

RECOMMENDATION #7. That the Ministry of Education provide students with material suitable to their readability level, and that these resource packages be practical.

RECOMMENDATION #8. That the Ministry of Education provide financial support for teacher education, both in-service and pre-service training, as a supportive measure for teachers and to ensure appropriate implementation of the curriculum.

RECOMMENDATION #9. That field testing and evaluation be conducted on the recommended curriculum and materials prior to implementation by the Ministry.

CONCLUSION

The personnel of the Schools Legal Education Project, Legal Services Commission, are willing to assist the Ministry of Education in the implementation of these recommendations.

The Legal Services Commission Curriculum Revision Committee would appreciate the opportunity of discussing this brief with the appropriate people in the Ministry of Education to ensure that the brief is understood, to answer any questions raised by it, and to elaborate on the issues raised herein.

APPENDIX

COMMITTEE MEMBERS' SUBJECT AREAS 1977/78

Peter Ellis	-	Law 11, Bookkeeping 11 and 12
Margaret Erickson	-	Law 11, Business Education Secretarial Practice and Shorthand
Lynne Hannay	-	Social Studies 11, Law 11, History 12, Social Studies 9 - Social Studies Dept. Head
Sandra Hawkins	-	English 11, English 12, Law 11, English 11/ Law 11 combined
Robert Jackson	-	Social Studies 10, Law 11, General Business 12, Social Studies Department Head
Don Sanford	-	Social Studies 11, Law 11, History 12 - Humanities Co-ordinator
Roland Stieda	-	Social Studies 8, 9, 10, Legal Awareness 9
Lorne Ziemer	-	Social Studies 11, History 12, Law 11 - Social Studies Department Head

BIBLIOGRAPHY

Alberta Solicitor-General's Department. Information Guide on the Criminal Justice System in Alberta. Edmonton, Alberta, 1977.

Davison, Susan, ed. Reflections on Law-Related Education (speeches from Regional Conference on Law-Related Education, Philadelphia, May 21-22, 1973). Working Notes No. 3, American Bar Association, 1973.

Fitzgerald, Patrick. This Law of Ours. Scarborough, Ont.: Prentice-Hall of Canada, Ltd., 1977.

Gallagher, Arlene, ed. The Methods Book: Strategies for Law-Focused Education. Law in American Society Foundation, Chicago, 1977.

Henning, Joel F., et.al. Law-Related Education in America: Guidelines for the Future. American Bar Association, 1975.

Henning, Joel F. "Law-Related Education: The Opportunity and the Challenge." Help! What to Do, Where to Go? Working Notes No. 4, American Bar Association, 1973.

Jimenez, Pat Robertson. "A Justification of Legal Education in the Schools". Schools Legal Education Project, Legal Services Commission, 1978. (unpublished report).

Laskin, Bora. Interview in Maclean's. Feburary 21, 1977.

MacFarlane, Dianne, and Philip C. Stenning, eds. Law in the School Curriculum: A Symposium. Convened by the Centre of Criminology, University of Toronto, June 5, 1975.

Manitoba Department of Education, Special Programs Division. Youth and the Law: Middle Years. Winnipeg, Manitoba, 1977.

Orr, John, Dr. Ron Piters, and Richard Swift. Law Education in B.C. Secondary Schools: An In-Depth Look at Law 11. A Report to the Justice Development Commission, August 1974.

Richter, E.A., and Keith Birkes. "Rights and Responsibilities of Citizenship in a Free Society - Missouri's Law-Related Education Program." Peabody Journal of Education, Vol. 55, No. 1, October 1977.

Sanderson, Samantha. Law-Related Educational Activities in B.C. A Report Prepared for the Department of Justice, Ottawa. Faculty of Law, University of B.C., Vancouver, 1977.

BIBLIOGRAPHY

(cont)

Stenning, Philip C. "Legal Education Beyond the Law School Walls: Teaching Law in Ontario's High Schools." The Law Society of Upper Canada Gazette, Vol. 7, No. 2 (June 1973), pp. 133-144.

White, Charles J. "Teaching Kids About Law." Today's Education (NEA Journal), February 1977, pp. 74-76.

To Reason Why. Film produced by the American Bar Association, 1972.

Various brochures and newsletters produced by the Missouri Bar Association.